

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

Please add new claims 116 to 122.

SUPPORT FOR THE CLAIM AMENDMENTS

Support for the claim amendments may be found in the specification, for example, on page 8 lines 16-24, page 12 line 25 to page 13 line 9 and FIGS. 1 and 7, as originally filed. Thus, no new matter has been added.

PRIORITY

The objection to the priority is respectfully traversed and should be withdrawn. US application 08/958,758, now US patent 5,913,310, teaches comparing new measurements with old measurements in at least column 24 lines 10-12. As such, listing the current application as a continuation of the 08/958,758 application appears to be correct and the objection should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 48, 51, 52, 55-60, 62, 75-79, 81-84, and 96-115 under 35 U.S.C. §103(a) as being unpatentable over Brown '263 in view of Fletcher et al. '257 (hereafter Fletcher) and

Fu et al. '625 (hereafter Fu) has been obviated by amendment and should be withdrawn.

The rejection of claims 48, 50-52, 54-58, 60, 62, 64, 65, 67-73, 81-82, 84, 96, 100, 104, 108 and 112 under 35 U.S.C. §103(a) as being unpatentable over Beckers '974 in view of Brown and Fletcher has been obviated by amendment and should be withdrawn.

The rejection of claims 97, 101, 105, 109 and 113 under 35 U.S.C. §103(a) as being unpatentable over Beckers in view of Brown and Fletcher, and in further view of Fu has been obviated by amendment and should be withdrawn.

The rejection of claims 99, 103, 107, 111 and 115 under 35 U.S.C. §103(a) as being unpatentable over Beckers in view of Brown and Fletcher, and in further view of Fu has been obviated by amendment and should be withdrawn.

The rejection of claim 61 and 74 under 35 U.S.C. §103(a) as being unpatentable over Beckers in view of Brown and Fletcher, and further in view of Hutchens (The News Tribune, June 25, 1994) has been obviated by amendment and should be withdrawn.

The rejection of claim 61 under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Fletcher and Fu, and further in view of Hutchens has been obviated by amendment and should be withdrawn.

The rejection of claim 77 under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Fletcher and Fu, and

further in view of Hutchens has been obviated by amendment and should be withdrawn.

The rejection of claims 78 and 83 under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Fletcher and Fu, and further in view of Hutchens and Nunziata ("Billboard", October 31, 1992) has been obviated by amendment and should be withdrawn.

Brown concerns a modular microprocessor-based health monitoring system (title). Fletcher concerns a medical subject monitoring system (title). Fu concerns a personal health monitor (title). Beckers concerns a diabetes management system and apparatus (title). Hutchens concerns a Nintendo cartridge expands Game Boy play to TV screen (title). Nunziata concerns a Nintendo, Sony game on CD ROM (title). In contrast, the present invention provides a blood glucose monitoring system for monitoring a blood glucose level and for providing health-related information. The system generally comprises a display device, an audio speaker, a processor, at least one built-in memory, at least one physiological data monitor, an interface device and an input device. The display device may include a display screen which displays the blood glucose level as measured. The processor may be configured to provide audio and visual signals to the audio speaker and display device respectively. The built-in memory may include read-only digital memory (ROM) or writeable digital memory (RAM), or both, having stored therein operation data and operation software

routines for (i) controlling the blood glucose monitoring system; (ii) comparing the blood glucose level as measured with stored measurements; (iii) performing one or more further processing functions in response to the comparing; (iv) connecting to a remotely located computer in response to receiving an address of the remotely located computer from a memory card; and (v) receiving the health-related information from the remotely located computer. The physiological data monitor may be configured to (i) provide a measurement signal representative of a physiological parameter of a user and (ii) operate while being physically separated from the processor and outside a first housing containing the processor. The interface device may be coupled between the processor and the physiological data monitor to at least isolate electrically the physiological data monitor from the processor, the electrically isolating interface device being neither entirely disposed within the first housing containing the processor nor any housing containing the physiological data monitor. The input device may be in communication with the processor and configured to (i) receive an input from the user; (ii) enable the user to (1) make selections and (2) control one or more user functions of the blood glucose monitoring system; and (iii) provide a control signal to the processor based upon the input, thereby to cause the health related information to be provided to the user based upon the measurement signal representative of the blood glucose level and the control

signal, the physiological parameter including the blood glucose level and the physiological data monitor including a blood glucose indicator. In contrast, none of the proposed combinations of the references appear to include all of the claim limitations. As such, *prima facie* obviousness has not been established.

Regarding claims 54 and 67, these claims were previously canceled and thus the rejections should be withdrawn.

Regarding dependent claims 61 and 74, the rejection in section 10 of the current Office Action does not include the Fu reference used in the independent claims. As such, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Regarding claims 77, 78 and 83, section 6 of the current Office Action does not provide any arguments in the rejections based on the proposed combination of Brown, Fletcher and Fu. (These claims are also rejected in sections 12 and 13 using Hutchens and Nunziata.) As such, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Claims 48, 51, 62, 76, 81, and 84 are independently patentable over the cited references. Claim 48 provides at least one built-in memory having stored therein operation data and operation software routines for (ii) comparing the blood glucose level as measured with stored measurements and (iii) performing one or more further processing functions in response to the comparing.

Claims 51, 62, 76, 81, and 84 provide similar language. The Office Action argues that both Fu and Becker teach comparing medical conditions with stored measurements. In contrast, each of Fu and Beckers appears to be silent regarding performing one or more further processing functions in response to the comparing. Hence, each of the proposed combinations of the references does not appear to include all of the claim limitations. Therefore, the proposed combinations do not appear to render obvious at least one built-in memory having stored therein operation data and operation software routines for (ii) comparing the blood glucose level as measured with stored measurements and (iii) performing one or more further processing functions in response to the comparing, as presently claimed.

Claim 48 further provides that operation data and operation software routines are also for (iv) connecting to a remotely located computer in response to receiving an address of the remotely located computer from a memory card and (v) receiving the health-related information from the remotely located computer. In contrast, each of Fu, Fletcher and Beckers appear to be silent regarding the reception of remotely located computer addresses from memory cards and the reception of health-related information from the remotely located computers. Thus, each of the proposed combination of the references do not appear to include all of the claim limitations. Therefore, the proposed combinations do not

appear to render obvious that operation data and operation software routines are also for connecting to a remotely located computer in response to receiving an address of the remotely located computer from a memory card and receiving the health-related information from the remotely located computer, as presently claimed. As such, the claimed invention is fully patentable over the cited references and the rejections should be withdrawn.

Claims 50, 64 and 84 are independently patentable over the cited references. Claim 50 provides that the interface device includes (a) a signal receiver for receiving the measurement signal representative of the blood glucose level from the at least one physiological data monitor, (b) a converter for converting the measurement signal as received into a form acceptable to the processor and (c) a processor controller for controlling the processor. The Office Action asserts that the above claim elements are taught by elements 56 and 42 in FIG. 3 of Beckers. In contrast, all of FIG. 3 of Beckers appears to be within the housing of Beckers that holds the microprocessor 30. However, the independent claims 48, 62 and 81 provide that the interface device is not entirely disposed within the housing containing the claimed processor. Therefore, the proposed combination appears to teach a different arrangement than as claimed. Hence, the proposed combination does not appear to render obvious that the interface device includes (a) a signal receiver for receiving the measurement

signal representative of the blood glucose level from the at least one physiological data monitor, (b) a converter for converting the measurement signal as received into a form acceptable to the processor and (c) a processor controller for controlling the processor, as presently claimed. As such, claims 50, 64 and 84 are patentable over the cited references and the rejections should be withdrawn.

Claims 50, 52, 55-61, 64, 65, 68-74, 76-79, 82-84 and 96-115 depend, either directly or indirectly, from claims 48, 51, 62, 75 or 81, which are now believed to be allowable. As such, the dependent claims are fully patentable over the cited references and the rejections should be withdrawn.

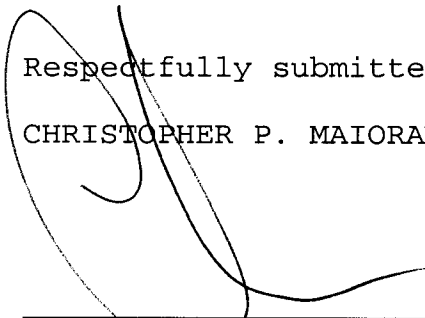
New claims 116-122 depend, either directly or indirectly, from claim 48, which is now believed to be allowable. As such, the new claims are fully patentable over the cited references and should be allowed.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

Respectfully submitted,

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